IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.8556 OF 2004

Sadashiv Sitaram Gaikwad, .. Petitioner

Vs

The Chief Officer,

Vita Nagar Parishad, Vita and ors .. Respondents

Mr Nitin Dhumal, for the petitioner.

Mr Omesh Mankapur, for the respondents.

CORAM : D.B.BHOSALE,J.

DATE : 4th November, 2004.

PC:

1. Heard the learned counsel for the parties.

2. By this petition, the petitioner has challenged the order dated 25.8.2004, by which his application to recast the issue no.1, has been rejected. The learned Judge has rightly rejected the prayer considering the pleadings in the Plaint. The petitioner has filed a suit claiming that he is a tenant of the suit shed. Keeping that in view and considering the reasons recorded by the learned Judge, in my opinion, the impugned order is just and proper and does not deserve interference by this Court in writ jurisdiction under Article 227 of the Constitution of India. The writ petition, therefore, fails and is dismissed as such.

(D.B.BHOSALE, J.)